

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 269

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO PROFESSIONAL LICENSING; LIMITING TEMPORARY
LICENSING FOR THE PROTECTION AND SAFETY OF THE PUBLIC; AMENDING
AND ENACTING CERTAIN SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Uniform Licensing Act is
enacted to read:

"NEW MATERIAL TEMPORARY LICENSES LIMITED. -- Each
licensing authority subject to the provisions of Chapter 61
NMSA 1978 that has statutory authority to issue temporary
licenses to practice shall adopt rules requiring law
enforcement and professional background checks on applicants
prior to the issuance of any temporary license. Initially, a
temporary license shall be for a maximum of ninety days to
provide adequate time for law enforcement and professional

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1 licensure background checks. If the response to these
2 inquiries produces no cause for a board or the department to
3 withhold licensure, a temporary license may be issued pursuant
4 to the respective statutes and rules governing practices of the
5 board. All statutory requirements, including appropriate
6 background, education and law enforcement verifications, shall
7 be completed before the board may issue a regular license to
8 practice. "

9 Section 2. Section 61-3-5.1 NMSA 1978 (being Laws 2001,
10 Chapter 137, Section 14) is amended to read:

11 "61-3-5.1. TEMPORARY LICENSURE. --

12 A. Except as provided in Subsection B of this
13 section, an applicant for nurse licensure pursuant to the
14 Nursing Practice Act may be issued a temporary license for a
15 period not to exceed six months or for a period of time
16 necessary for the board to ensure that the applicant has met
17 the licensure requirements set out in that act, whichever is
18 less.

19 B. Initially, the temporary license provided for
20 in this section shall be issued for a maximum of ninety days to
21 allow for law enforcement and professional licensure background
22 checks. If the response to these inquiries produces no cause
23 for the board to withhold licensure, a temporary license may be
24 issued pursuant to Subsection A of this section."

25 Section 3. Section 61-3-23 NMSA 1978 (being Laws 1977,

1 Chapter 220, Section 14, as amended) is amended to read:

2 "61-3-23. PERMIT TO PRACTICE FOR GRADUATE NURSES. --

3 A. The board may issue a temporary permit to
4 practice to an applicant upon completion of an approved course
5 of study and upon application to take the first available
6 national licensing examination after graduation.

7 B. The permit to practice shall be issued for
8 practice under direct supervision at a specified place of
9 employment in the state.

10 C. The permit to practice shall be valid from
11 issuance until the results of the national licensing
12 examination are disseminated by the board office to the
13 examinee, at which time the permit is void and the applicant
14 who has passed the examination may be issued a license to
15 practice.

16 D. Initially, the temporary permit provided for in
17 Subsection A of this section shall be issued for a maximum of
18 ninety days to allow for law enforcement and professional
19 licensure background checks. If the response to these
20 inquiries produces no cause for the board to withhold
21 licensure, a temporary permit may be issued pursuant to
22 Subsection A of this section."

23 Section 4. Section 61-3-23.1 NMSA 1978 (being Laws 1979,
24 Chapter 379, Section 8, as amended) is amended to read:

25 "61-3-23.1. PERMIT TO PRACTICE FOR GRADUATE NURSING

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1 SPECIALTIES. --

2 A. Except as provided in Subsection B of this
3 section, a one-time, nonrenewable permit may be issued to
4 graduate nurse anesthetists, nurse practitioners and clinical
5 nurse specialists awaiting examination and results in
6 accordance with requirements set forth by the board in the
7 rules and regulations.

8 B. Initially, the permit provided for in Subsection
9 A of this section shall be issued for a maximum of ninety days
10 to allow for law enforcement and professional licensure
11 background checks. If the response to these inquiries produces
12 no cause for the board to withhold licensure, a permit may be
13 issued pursuant to Subsection A of this section."

14 Section 5. Section 61-5A-14 NMSA 1978 (being Laws 1994,
15 Chapter 55, Section 14) is amended to read:

16 "61-5A-14. TEMPORARY LICENSURE. -- Except as provided in
17 Subsection H of this section, the secretary-treasurer of the
18 board or the committee may issue a temporary license to
19 practice dentistry or dental hygiene to any applicant who is
20 licensed to practice dentistry or dental hygiene in another
21 state or territory of the United States and who is otherwise
22 qualified to practice dentistry or dental hygiene in this
23 state. The following provisions shall apply:

24 A. the applicant [~~must~~] shall hold a valid license
25 in good standing in another state or territory of the United

1 States;

2 B. the applicant shall practice dentistry or dental
3 hygiene under the sponsorship of or in association with a
4 licensed New Mexico dentist or dental hygienist;

5 C. the temporary license may be issued for those
6 activities as stipulated by the board or committee in the rules
7 and regulations of the board. It may be issued upon written
8 application of the applicant when accompanied by such proof of
9 qualifications as the secretary-treasurer of the board or
10 committee, in [~~their~~] his discretion, may require. Temporary
11 licensees shall engage in only those activities specified on
12 the temporary license for the time designated, and the
13 temporary license shall identify the licensed New Mexico
14 dentist or dental hygienist who will sponsor or associate with
15 the applicant during the time the applicant practices dentistry
16 or dental hygiene in New Mexico;

17 D. the sponsoring or associating dentist or dental
18 hygienist shall submit an affidavit attesting to the
19 qualifications of the applicant and the activities the
20 applicant will perform;

21 E. the temporary license shall be issued for a
22 period not to exceed twelve months and may be reviewed upon
23 application and payment of required fees;

24 F. the application for a temporary license under
25 this section shall be accompanied by a license fee; [~~and~~]

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1 G. the temporary licensee shall be required to
2 comply with the Dental Health Care Act and all rules and
3 regulations promulgated pursuant thereto; and

4 H. initially, the temporary license provided for in
5 this section shall be issued for a maximum of ninety days to
6 allow for law enforcement and professional licensure background
7 checks. If the response to these inquiries produces no cause
8 for the board or committee to withhold licensure, a temporary
9 license may be issued pursuant to this section."

10 Section 6. Section 61-6-14 NMSA 1978 (being Laws 1953,
11 Chapter 48, Section 2, as amended) is amended to read:

12 "61-6-14. ORGANIZED YOUTH CAMP OR SCHOOL TEMPORARY
13 LICENSES AND TEMPORARY LICENSES FOR OUT-OF-STATE PHYSICIANS. --

14 A. The secretary-treasurer of the board may issue
15 to any applicant qualified to practice medicine and surgery in
16 this state, either by examination or by endorsement, who will
17 be temporarily in attendance at any organized youth camp or
18 school, a temporary license to practice medicine and surgery,
19 the practice to be confined to enrollees, leaders and employees
20 of the camp or school, and the following provisions shall
21 apply:

22 (1) the temporary license shall be issued for
23 a period not to exceed three months from date of issuance; and

24 (2) the temporary license may be issued upon
25 written application of the applicant, accompanied by such proof

1 of his qualifications as the secretary-treasurer of the board,
2 in his discretion, may require.

3 B. Subject to the provisions of Subsection E of
4 this section, the secretary-treasurer of the board may issue to
5 any applicant who is licensed to practice medicine in another
6 state, territory of the United States or another country and
7 who is qualified to practice medicine and surgery in this state
8 a temporary license to practice medicine under the sponsorship
9 of and in association with a licensed New Mexico physician.

10 The following provisions shall apply:

11 (1) the temporary license may be issued upon
12 written application of the applicant, accompanied by such proof
13 of his qualifications as the secretary-treasurer of the board,
14 in his discretion, may require. Temporary licenses may be
15 granted to allow the applicant to assist in teaching,
16 conducting research, performing specialized diagnostic and
17 treatment procedures and implementing new technology and for
18 physician educational purposes. Licensees may engage in only
19 those activities specified on the temporary license, and the
20 temporary license shall identify the licensed New Mexico
21 physician who will sponsor and associate with the applicant
22 during the time the applicant practices medicine in New Mexico.
23 The sponsoring or associating physician shall submit an
24 affidavit attesting to the qualifications of the applicant and
25 activities the applicant will perform; and

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1 (2) the temporary license shall be issued for
2 a period not to exceed three months from date of issuance and
3 may be renewed upon application and payment of fees as provided
4 in Section 61-6-19 NMSA 1978.

5 C. Whenever an eligible applicant has filed his
6 application and complied with all other requirements of the
7 Medical Practice Act in the interim between regular board
8 meetings, the secretary-treasurer may issue an interim license
9 to hold good until the next regular licensing meeting of the
10 board.

11 D. The application for a temporary license under
12 this section shall be accompanied by a license fee as provided
13 in Section 61-6-19 NMSA 1978.

14 E. The temporary license granted under Subsection B
15 of this section shall be issued initially for a maximum of
16 ninety days to provide adequate time for a law enforcement
17 background check on the applicant. If the background check
18 produces no cause for the board to withhold licensure, a
19 temporary license may be issued."

20 Section 7. Section 61-7A-9 NMSA 1978 (being Laws 1989,
21 Chapter 387, Section 9) is amended to read:

22 "61-7A-9. PROVISIONAL PERMIT. --

23 A. Except as provided in Subsection B of this
24 section, a provisional permit to practice as a dietitian or
25 nutritionist may be issued by the board upon the filing of an

1 application and submission of evidence of successful completion
 2 of the education requirements. No fee in addition to the
 3 application and license fees shall be charged for the issuance
 4 of a provisional permit. The permit shall be valid only until
 5 the last day of the period for which it is issued or until the
 6 provisional [~~permi-tee's~~] permittee's application has been
 7 approved and a license issued, whichever is first.

8 B. Initially, the provisional permit provided for
 9 in Subsection A of this section shall be issued for a maximum
 10 of ninety days to allow for law enforcement and professional
 11 licensure background checks. If the response to these
 12 inquiries produces no cause for the board to withhold
 13 licensure, a provisional permit may be issued pursuant to
 14 Subsection A of this section."

15 Section 8. Section 61-8-14 NMSA 1978 (being Laws 1977,
 16 Chapter 221, Section 14, as amended) is amended to read:

17 "61-8-14. LIMITATION ON LICENSURE--TEMPORARY LICENSE.--

18 A. No license to practice podiatry shall be issued
 19 to a corporation, partnership or association; provided,
 20 however, that this subsection shall not prohibit licensed
 21 podiatrists from associating themselves as otherwise allowed by
 22 law in a professional corporation, professional limited
 23 liability company, partnership or association for the purpose
 24 of practicing podiatry.

25 B. Except as provided in Subsection D of this

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1 section, in cases of emergency, as defined by board rule, the
2 board may grant a temporary license to practice podiatry to a
3 person who meets the requirements of Subsections A and B of
4 Section 61-8-8 NMSA 1978. The temporary license shall
5 automatically expire on the date of the next board meeting at
6 which applications for licensure by examination or reciprocity
7 are approved. No person may be issued more than one temporary
8 license pursuant to this provision.

9 C. Except as provided in Subsection D of this
10 section, to facilitate educational programs, subject to
11 conditions and terms set forth in board rules, the board may
12 grant a temporary license to practice podiatry to a person
13 enrolled and participating in such program.

14 D. Initially, the temporary license issued pursuant
15 to Subsection B or C of this section shall be issued for a
16 maximum of ninety days to allow for law enforcement and
17 professional licensure background checks. If the response to
18 these inquiries produces no cause for the board to withhold
19 licensure, a temporary license may be issued."

20 Section 9. Section 61-9A-16 NMSA 1978 (being Laws 1993,
21 Chapter 49, Section 16) is amended to read:

22 "61-9A-16. TEMPORARY LICENSURE. --

23 A. Except as provided in Subsection B of this
24 section, prior to examination, an applicant for licensure may
25 obtain a temporary license to engage in any counselor and

1 therapist practice if the person meets all of the requirements,
 2 except examination, provided for in Section [~~10, 11, 12, 13 or~~
 3 ~~14 of the Counseling and Therapy Practice Act]~~ 61-9A-10,
 4 61-9A-11, 61-9A-11.1, 61-9A-12, 61-9A-13, 61-9A-14, 61-9A-14.1
 5 or 61-9A-14.2 NMSA 1978. The temporary license shall be valid
 6 no more than thirty days after the results of the next
 7 examination become available. At that time, should the
 8 individual fail to take or pass that examination, the temporary
 9 license shall automatically expire.

10 B. Initially, the temporary license provided for in
 11 Subsection A of this section shall be issued for a maximum of
 12 ninety days to allow for law enforcement and professional
 13 licensure background checks. If the response to these
 14 inquiries produces no cause for the board to withhold
 15 licensure, a temporary license may be issued pursuant to
 16 Subsection A of this section."

17 Section 10. Section 61-9A-22 NMSA 1978 (being Laws 1993,
 18 Chapter 49, Section 22, as amended) is amended to read:

19 "61-9A-22. LICENSURE BY CREDENTIALS. --

20 A. The board may license an applicant without
 21 examination if the person possesses a valid regulatory document
 22 issued by the appropriate examining board under the laws of any
 23 other state or territory of the United States, the District of
 24 Columbia or any foreign nation that in the judgment of the
 25 board has requirements substantially equivalent to or exceeding

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1 those in the Counseling and Therapy Practice Act.

2
3 B. Except as provided in Subsection C of this
4 section, an applicant for licensing pursuant to this section
5 shall be issued a temporary license by the department upon
6 filing his application along with proof of a valid current
7 regulatory document from another jurisdiction. This temporary
8 license is valid only until the board considers and acts on the
9 application. An applicant is entitled to only one temporary
10 license pursuant to this provision.

11 C. Initially, the temporary license provided for in
12 Subsection B of this section shall be issued for a maximum of
13 ninety days to allow for law enforcement and professional
14 licensure background checks. If the response to these
15 inquiries produces no cause for the board to withhold
16 licensure, a temporary license may be issued pursuant to
17 Subsection B of this section."

18 Section 11. Section 61-10-7 NMSA 1978 (being Laws 1977,
19 Chapter 155, Section 1) is amended to read:

20 "61-10-7. TEMPORARY LICENSES--QUALIFICATIONS.--

21 A. Except as provided in Subsection B of this
22 section, whenever an eligible applicant [~~shall have~~] has filed
23 his application and met the requirements of Section [~~67-8-5~~
24 ~~NMSA 1953~~] 61-10-6 NMSA 1978 and complied with all other
25 requirements of [~~Sections 67-8-1 through 67-8-18 NMSA 1953~~]

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1 Chapter 61, Article 10 NMSA 1978 in the interim between regular
 2 ~~[board]~~ meetings of the board of osteopathic medical examiners,
 3 the secretary-treasurer of the board is empowered to issue
 4 ~~[such]~~ the applicant a temporary license to hold good until the
 5 next regular meeting of the board.

6 B. Initially, the temporary license provided for in
 7 Subsection A of this section shall be issued for a maximum of
 8 ninety days to allow for law enforcement and professional
 9 licensure background checks. If the response to these
 10 inquiries produces no cause for the board to withhold
 11 licensure, a temporary license may be issued pursuant to
 12 Subsection A of this section."

13 Section 12. Section 61-12A-13 NMSA 1978 (being Laws 1996,
 14 Chapter 55, Section 13) is amended to read:

15 "61-12A-13. PROVISIONAL PERMITS. --

16 A. Except as provided in Subsection B of this
 17 section, a provisional permit may be granted to a person who
 18 has completed the education and experience requirements of the
 19 Occupational Therapy Act. The permit shall allow the person to
 20 practice occupational therapy under the supervision of a
 21 registered occupational therapist. The provisional permit
 22 shall be valid until the date on which the results of the next
 23 qualifying examination have been made public. The provisional
 24 permit shall not be renewed if the applicant has failed the
 25 examination. The board shall verify, as necessary, information

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1 contained on the completed application and any supporting
2 documentation required to obtain a license.

3 B. Initially, the provisional permit provided for
4 in Subsection A of this section shall be issued for a maximum
5 of ninety days to allow for law enforcement and professional
6 licensure background checks. If the response to these
7 inquiries produces no cause for the board to withhold
8 licensure, a provisional permit may be issued pursuant to
9 Subsection A of this section."

10 Section 13. Section 61-12B-6 NMSA 1978 (being Laws 1984,
11 Chapter 103, Section 6, as amended) is amended to read:

12 "61-12B-6. DEPARTMENT--DUTIES AND POWERS.--

13 A. The department, in consultation with the board,
14 shall:

15 (1) evaluate the qualifications of applicants
16 and review the required examination results of applicants. The
17 department may recognize the entry level examination written by
18 the national board for respiratory care or a successor board;

19 (2) promulgate rules as may be necessary to
20 implement the provisions of the Respiratory Care Act;

21 (3) issue and renew licenses and temporary
22 permits to qualified applicants who meet the requirements of
23 the Respiratory Care Act; and

24 (4) administer, coordinate and enforce the
25 provisions of the Respiratory Care Act and investigate persons

1 engaging in practices that may violate the provisions of that
2 act.

3 B. The department, in consultation with the board,
4 may:

5 (1) conduct examinations of respiratory care
6 practitioner applicants as required by rules of the department;

7 (2) reprimand, fine, deny, suspend or revoke a
8 license or temporary permit to practice respiratory care as
9 provided in the Respiratory Care Act in accordance with the
10 provisions of the Uniform Licensing Act;

11 (3) for the purpose of investigating
12 complaints against applicants and licensees, issue
13 investigative subpoenas prior to the issuance of a notice of
14 contemplated action as set forth in the Uniform Licensing Act;

15 (4) enforce and administer the provisions of
16 the Impaired Health Care Provider Act and promulgate rules
17 pursuant to that act;

18 (5) promulgate rules or disciplinary
19 guidelines relating to impaired practitioners;

20 (6) promulgate rules to allow the interstate
21 transport of patients; and

22 (7) promulgate rules to determine and regulate
23 the scope and qualifications for expanded practice for
24 respiratory care practitioners.

25 C. Initially, the temporary permit authorized in

1 Paragraph (3) of Subsection A of this section shall be issued
2 for a maximum of ninety days to allow for law enforcement and
3 professional background checks. If the response to these
4 inquiries produces no cause for the board or department to
5 withhold licensure, a temporary permit may be issued pursuant
6 to that paragraph."

7 Section 14. Section 61-12B-9 NMSA 1978 (being Laws 1984,
8 Chapter 103, Section 9, as amended) is amended to read:

9 "61-12B-9. OTHER LICENSING PROVISIONS. --

10 A. The department, in consultation with the board,
11 shall adopt rules for mandatory continuing education
12 requirements that shall be completed as a condition for renewal
13 of a license issued pursuant to the provisions of the
14 Respiratory Care Act.

15 B. Except as provide in Subsection G of this
16 section, the department, in consultation with the board, may
17 adopt rules for issuance of temporary permits to students and
18 graduates of approved training programs to practice limited
19 respiratory care under the direct supervision of a licensed
20 respiratory care practitioner or physician. Rules shall be
21 adopted defining the terms "student" and "direct supervision".

22 C. A license issued by the department shall
23 describe the licensed person as a "respiratory care
24 practitioner licensed by the New Mexico regulation and
25 licensing department".

1 D. Unless licensed as a respiratory care
 2 practitioner pursuant to the provisions of the Respiratory Care
 3 Act, no person shall use the title "respiratory care
 4 practitioner", the abbreviation "R. C. P. " or any other title or
 5 abbreviation to indicate that the person is a licensed
 6 respiratory care practitioner.

7 E. A copy of a valid license or temporary permit
 8 issued pursuant to the Respiratory Care Act shall be kept on
 9 file at the respiratory care practitioner's or temporary
 10 permittee's place of employment.

11 F. A respiratory care practitioner license shall
 12 expire on September 30, annually or biennially, as provided by
 13 rules of the department.

14 G. Initially, the temporary permit provided for in
 15 Subsection B of this section shall be issued for a maximum of
 16 ninety days to allow for law enforcement and professional
 17 licensure background checks. If the response to these
 18 inquiries produces no cause for the board or department to
 19 withhold licensure, a temporary permit may be issued pursuant
 20 to Subsection B of this section."

21 Section 15. Section 61-12C-14 NMSA 1978 (being Laws 1991,
 22 Chapter 147, Section 14, as amended) is amended to read:

23 "61-12C-14. TEMPORARY LICENSE. --

24 A. Except as provided in Subsection D of this
 25 section, prior to examination, an applicant for licensure may

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1 obtain a temporary license to engage in the practice of massage
2 therapy if the applicant meets all the requirements for
3 licensure except completion of the examination.

4 B. The temporary license is valid until the results
5 of the next scheduled examination are available and a license
6 is issued or denied.

7 C. No more than one temporary license may be issued
8 to an individual, and no temporary license shall be issued to
9 an applicant who has previously failed the examinations.

10 D. Initially, the temporary license authorized in
11 Subsection A of this section shall be issued for a maximum of
12 ninety days to allow for law enforcement and professional
13 licensure background checks. If the response to these
14 inquiries produces no cause for the board to withhold
15 licensure, a temporary license may be issued pursuant to
16 Subsections A through C of this section. "

17 Section 16. Section 61-12D-10 NMSA 1978 (being Laws 1997,
18 Chapter 89, Section 10) is amended to read:

19 "61-12D-10. LICENSURE--QUALIFICATIONS. --

20 A. An applicant for licensure as a physical
21 therapist shall submit a completed application and have the
22 following minimum qualifications:

23 (1) be of good moral character;

24 (2) be a graduate of an accredited physical
25 therapy program approved by the board;

1 (3) have successfully passed the national
2 physical therapy examination approved by the board; and

3 (4) have successfully passed the state
4 jurisprudence examination.

5 B. An applicant for licensure as a physical
6 therapist who has been educated outside the United States shall
7 submit a completed application and meet the following minimum
8 qualifications in addition to those required in Paragraphs (1),
9 (3) and (4) of Subsection A of this section:

10 (1) provide satisfactory evidence that his
11 education is substantially equivalent to the requirements of
12 physical therapists educated in accredited educational programs
13 in the United States, as determined by the board. If the board
14 determines that a foreign-educated applicant's education is not
15 substantially equivalent, it may require completion of
16 additional course work before proceeding with the application
17 process;

18 (2) provide evidence that he is a graduate of
19 a school of training that is recognized by the foreign
20 country's own ministry of education or similar institution;

21 (3) provide written proof of authorization to
22 practice as a physical therapist without limitations in the
23 legal jurisdiction where the post-secondary institution from
24 which the applicant has graduated is located;

25 (4) provide proof of legal authorization to

1 reside and seek employment in the United States or its
2 territories;

3 (5) have his educational credentials evaluated
4 by a board-approved credential evaluation agency;

5 (6) pass all approved English proficiency
6 examinations as may be prescribed by the board if English is
7 not his primary language; and

8 (7) participate in an interim supervised
9 clinical practice period as may be prescribed by the board.

10 C. The board may issue an interim permit to a
11 foreign-trained applicant who satisfies the board's
12 requirements. An interim permit shall be issued for the
13 purpose of participating in a supervised clinical practice
14 period.

15 D. If the foreign-educated physical therapist
16 applicant is a graduate of a college accredited by the
17 commission on accreditation in physical therapy education, the
18 requirements of Paragraphs (1), (2), (5) and (7) of Subsection
19 B of this section are waived.

20 E. An applicant for licensure as a physical
21 therapist assistant shall submit a completed application and
22 meet the following minimum requirements:

23 (1) be of good moral character;

24 (2) be a graduate of an accredited physical
25 therapist assistant program approved by the board;

1 (3) have successfully passed the national
2 physical therapy examination approved by the board; and

3 (4) have successfully passed the state
4 jurisprudence examination.

5 F. An applicant for licensure as a physical
6 therapist or physical therapist assistant shall file a written
7 application on forms provided by the board. A nonrefundable
8 application fee and the cost of the examination shall accompany
9 the completed written application.

10 G. Applicants who fail to pass the examinations
11 shall be subject to requirements determined by board
12 regulations prior to being approved by the board for subsequent
13 testing.

14 H. The board or its designee shall issue a license
15 to a physical therapist or physical therapist assistant who has
16 a valid unrestricted license from another United States
17 jurisdiction and who meets all requirements for licensure in
18 New Mexico.

19 I. Except as provided in Subsection P of this
20 section, prior to licensure, if prescribed by the board, the
21 board or its designee may issue a temporary nonrenewable
22 license to a physical therapist or physical therapist assistant
23 who has completed the education and experience requirements of
24 the Physical [Therapist] Therapy Act. The temporary license
25 shall allow the applicant to practice physical therapy under

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1 the supervision of a licensed physical therapist until a
2 permanent license is approved that shall include passing the
3 national physical therapy examination.

4 J. Except as provided in Subsection P of this
5 section, the board or its designee may issue a temporary
6 license to a physical therapist or physical therapist assistant
7 performing physical therapy while teaching an educational
8 seminar who has met the requirements established by regulation
9 of the board.

10 K. A physical therapist or physical therapist
11 assistant licensed under the provisions of the Physical Therapy
12 Act shall renew his license as specified in board rules. A
13 person who fails to renew his license by the date of expiration
14 shall not practice physical therapy as a physical therapist or
15 physical therapist assistant in New Mexico.

16 L. Reinstatement of a lapsed license following a
17 renewal deadline requires payment of a renewal fee and late
18 fee.

19 M Reinstatement of a physical therapist or
20 physical therapist assistant license that has lapsed for more
21 than three years, without evidence of continued practice in
22 another state pursuant to a valid unrestricted license in that
23 state, requires reapplication and payment of fees, as specified
24 in board rules. The board shall promulgate rules establishing
25 the qualifications for reinstatement of a lapsed license.

1 N. The board may establish, by rule, activities to
 2 periodically assess continuing competence to practice physical
 3 therapy.

4 O. A physical therapist shall not accept a patient
 5 for treatment without an existing medical diagnosis for the
 6 specific medical or physical problem made by a licensed primary
 7 care provider, except for those children participating in
 8 special education programs in accordance with Section 22-13-5
 9 NMSA 1978 and for acute care within the scope of practice of
 10 physical therapy. For the purposes of this subsection,
 11 "existing medical diagnosis" means substantive signs and
 12 symptoms consistent with the episode from a previous primary
 13 care provider diagnosis made or confirmed by that provider
 14 within the past twelve months.

15 P. Initially, the temporary license or interim
 16 permit authorized in Subsections C, I and J of this section
 17 shall be issued for a maximum of ninety days to allow for law
 18 enforcement and professional background checks. If the
 19 response to these inquiries produces no cause for the board to
 20 withhold licensure, a temporary license may be issued pursuant
 21 to Subsections I and J of this section."

22 Section 17. Section 61-13-11 NMSA 1978 (being Laws 1970,
 23 Chapter 61, Section 10, as amended) is amended to read:

24 "61-13-11. LICENSURE WITHOUT EXAMINATION. --

25 A. Except as provided in Subsection B of this

underscored material = new
 [bracketed material] = delete

1 section, the board shall issue a nursing home administrator's
2 license, temporary or regular, without examination to any
3 person who holds a nursing home administrator's license current
4 and in good standing in another jurisdiction [~~provided that~~] if
5 the board finds that the standards of licensure in the other
6 jurisdiction are at least the substantial equivalent of those
7 prevailing in this state and that the applicant meets the
8 qualifications of the Nursing Home Administrators Act.

9 B. Initially, the temporary license provided for in
10 Subsection A of this section shall be issued for a maximum of
11 ninety days to allow for law enforcement and professional
12 background checks. If the response to these inquiries produces
13 no cause for the board to withhold licensure, a temporary
14 license may be issued pursuant to that subsection. "

15 Section 18. Section 61-14-10 NMSA 1978 (being Laws 1967,
16 Chapter 62, Section 7, as amended) is amended to read:

17 "61-14-10. LICENSE BY ENDORSEMENT. --

18 A. Pursuant to its regulations, the board may issue
19 a license without written examination, except an examination on
20 state laws and other state and federal regulations related to
21 the practice of veterinary medicine, to any qualified applicant
22 who furnishes satisfactory evidence that he is a veterinarian
23 and has, for the five years next prior to filing his
24 application, been a practicing veterinarian and licensed in a
25 state, territory or district of the United States having

1 license requirements at the time the applicant was first
2 licensed that were substantially equivalent to the requirements
3 of the Veterinary Practice Act.

4 B. Pursuant to its regulations, the board may
5 issue, with examination, a limited practice license in
6 veterinary medicine, which limited practice license shall
7 describe adequately that area of veterinary medicine that the
8 licensee is entitled to practice.

9 C. At its discretion, the board may examine, orally
10 or practically, any person qualifying for a license under this
11 section.

12 D. Except as provided in Subsection F of this
13 section, the board may issue without examination a temporary
14 permit to practice veterinary medicine to:

15 (1) a qualified applicant for a license
16 pending examination, provided the applicant is a graduate
17 veterinarian and employed by and working under the direct
18 supervision of a licensed veterinarian provided:

19 (a) the temporary permit shall expire
20 the day after the notice of results of the first examination
21 given after the permit is issued;

22 (b) a qualified applicant for a license
23 pending examination may, at the board's discretion, be exempted
24 from the requirement of working under the direct supervision of
25 a licensed veterinarian, provided the applicant submits a

1 written request for such exemption; and

2 (c) no additional temporary permit shall
3 be issued to an applicant who has failed the required
4 components of the New Mexico examination in this or any other
5 state or any other territory, district or commonwealth of the
6 United States; or

7 (2) a nonresident veterinarian validly
8 licensed and in good standing with the licensing authority in
9 another state, territory, district or commonwealth of the
10 United States; provided that the temporary permit shall be
11 issued for a period lasting no more than sixty days and that
12 not more than one permit shall be issued to such a person
13 during each calendar year. No more than two temporary permits
14 shall be issued to any one individual.

15 E. A temporary permit to practice veterinary
16 medicine may be summarily revoked by a majority vote of the
17 board without a hearing.

18 F. Initially, the temporary permit provided for in
19 Subsection D of this section shall be issued for a maximum of
20 ninety days to allow for law enforcement and professional
21 background checks. If the response to these inquiries produces
22 no cause for the board to withhold licensure, a temporary
23 permit may be issued pursuant to that subsection."

24 Section 19. Section 61-14A-12 NMSA 1978 (being Laws 1993,
25 Chapter 158, Section 20, as amended) is amended to read:

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1 "61-14A-12. REQUIREMENTS FOR TEMPORARY LICENSING. --

2 A. Subject to the provisions of Subsection I of
3 this section, the board shall establish the criteria for
4 temporary licensing of out-of-state doctors of oriental
5 medicine.

6 B. The board may grant a temporary license to a
7 person who:

8 (1) is legally recognized to practice
9 acupuncture and oriental medicine in another state or a foreign
10 country or is legally recognized in another state or foreign
11 country to practice another health care profession and who
12 possesses knowledge and skills that are included in the scope
13 of practice of doctors of oriental medicine;

14 (2) is under the sponsorship of and in
15 association with a licensed New Mexico doctor of oriental
16 medicine or New Mexico institute offering an educational
17 program approved by the board;

18 (3) submits the completed application for
19 temporary licensing on the form provided by the board;

20 (4) submits the required documentation,
21 including proof of adequate education and training, as
22 determined by the board;

23 (5) submits the required fee for application
24 for temporary licensing;

25 (6) submits an affidavit stating that the

1 applicant has not been found guilty of unprofessional conduct
2 or incompetency; and

3 (7) submits an affidavit from the sponsoring
4 and associating New Mexico doctor of oriental medicine or New
5 Mexico institute attesting to the qualifications of the
6 applicant and the activities the applicant will perform.

7 C. The board may grant a temporary license to allow
8 the temporary licensee to:

9 (1) teach acupuncture and oriental medicine;

10 (2) consult, in association with the
11 sponsoring doctor of oriental medicine, regarding the
12 sponsoring doctor's patients;

13 (3) perform specialized diagnostic or
14 treatment techniques in association with the sponsoring doctor
15 of oriental medicine regarding the sponsoring doctor's
16 patients;

17 (4) assist in the conducting of research in
18 acupuncture and oriental medicine; and

19 (5) assist in the implementation of new
20 techniques and technology related to acupuncture and oriental
21 medicine.

22 D. Temporary licensees may engage in only those
23 activities authorized on the temporary license.

24 E. The temporary license shall identify the
25 sponsoring and associating New Mexico doctor of oriental

1 medicine or institute.

2 F. The temporary license shall be issued for a
3 period of time established by rule; provided that temporary
4 licenses may not be issued for a period of time to exceed
5 eighteen months, including renewals.

6 G. The temporary license may be renewed upon
7 submission of:

8 (1) the completed application for temporary
9 license renewal on the form provided by the board; and

10 (2) the required fee for temporary license
11 renewal.

12 H. In the interim between regular board meetings,
13 whenever a qualified applicant has filed his application and
14 complied with all other requirements of this section, the
15 board's chairman or an authorized representative of the board
16 may grant an interim temporary license that will suffice until
17 the next regular licensing meeting of the board.

18 I. Initially, the temporary license authorized in
19 Subsections B and H of this section shall be issued for a
20 maximum of ninety days to allow for law enforcement and
21 professional background checks. If the response to these
22 inquiries produces no cause for the board to withhold
23 licensure, a temporary license may be issued pursuant to
24 Subsections A through H of this section."

25 Section 20. Section 61-14B-17 NMSA 1978 (being Laws 1996,

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1 Chapter 57, Section 17, as amended) is amended to read:

2 "61-14B-17. HEARING AID DISPENSING TEMPORARY TRAINEE
3 PERMITS--ISSUANCE. --

4 A. Any person who does not meet the requirements
5 for licensure without examination as an audiologist or
6 otolaryngologist as set forth in Section 61-14B-13 NMSA 1978 or
7 as a hearing aid dispenser as set forth in Section 61-14B-14
8 NMSA 1978 may apply for a temporary trainee permit. Subject to
9 the provisions of Subsection E of this section, a temporary
10 trainee permit shall be issued to a person who:

11 (1) has reached the age of majority and has a
12 high school education or the equivalent;

13 (2) has identified a sponsor;

14 (3) pays an application fee as determined by
15 the board;

16 (4) has not failed the licensing examination
17 twice within a five-year period; and

18 (5) certifies that he is not guilty of any of
19 the activities listed in Section 61-14B-21 NMSA 1978.

20 B. A temporary trainee permit shall:

21 (1) be valid for one year from the date of its
22 issuance and is nonrenewable for a period of one year following
23 its expiration; and

24 (2) allow the person to complete a training
25 period.

1 C. A person issued a temporary trainee permit may
2 be eligible for licensure as a hearing aid dispenser upon:

3 (1) the completion of a minimum of three
4 hundred twenty hours of training, to be completed within a
5 three-month period under the direct supervision of the sponsor;

6 (2) the completion of five continuous months
7 of full-time dispensing work, during which time all sales are
8 approved by the sponsor prior to delivery; and

9 (3) the sponsor approving all fittings,
10 adjustments, modifications or repairs to hearing aids and
11 earmolds.

12 D. An audiologist, clinical fellow in audiology or
13 otolaryngologist issued a temporary trainee permit may be
14 eligible for licensure without examination as a hearing aid
15 dispenser upon the sponsor providing direct supervision for a
16 minimum of three months of all fittings, adjustments,
17 modifications or repairs to hearing aids and earmolds.

18 E. Initially, the temporary trainee permit
19 authorized in Subsection A of this section shall be issued for
20 a maximum of ninety days to allow for law enforcement and
21 professional background checks. If the response to these
22 inquiries produces no cause for the board to withhold
23 licensure, a temporary trainee permit may be issued pursuant to
24 that subsection."

25 Section 21. Section 61-14D-12 NMSA 1978 (being Laws 1993,
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1 Chapter 325, Section 12) is amended to read:

2 "61-14D-12. PROVISIONAL PERMIT. --

3 A. Prior to taking any other examinations, an
4 applicant for licensure who has passed the jurisprudence
5 examination may obtain a provisional permit to engage in the
6 practice of athletic training, subject to the provisions of
7 Subsection D of this section and provided that the applicant
8 meets all the requirements for licensure except completion of
9 the professional knowledge examination.

10 B. The provisional permit is valid until the
11 results of the next scheduled examination on professional
12 knowledge are available.

13 C. No more than two provisional permits may be
14 issued to an individual and no third provisional permit shall
15 be issued to an applicant who has previously failed the
16 professional knowledge examination.

17 D. Initially, the provisional permit authorized in
18 Subsection A of this section shall be issued for a maximum of
19 ninety days to allow for law enforcement and professional
20 background checks. If the response to these inquiries produces
21 no cause for the department to withhold licensure, a
22 provisional permit may be issued."

23 Section 22. Section 61-14E-8 NMSA 1978 (being Laws 1991,
24 Chapter 14, Section 3, as amended) is amended to read:

25 "61-14E-8. TEMPORARY CERTIFICATION. --

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1 A. Subject to the provisions of Subsection B of
 2 this section, the department may issue a temporary certificate
 3 to practice as a radiologic technologist to a person who
 4 satisfactorily completes an approved program in radiologic
 5 technology, provided that the temporary certificate:

6 [~~A.~~] (1) is applied for within one year of
 7 graduation;

8 [~~B.~~] (2) is valid only for a period not to
 9 exceed one year;

10 [~~C.~~] (3) is only issued to a person once; and

11 [~~D.~~] (4) is contingent upon successful
 12 completion of an examination required by the board and expires
 13 upon failure to pass the examination.

14 B. Initially, the temporary certificate authorized
 15 in this section shall be issued for a maximum of ninety days to
 16 allow for law enforcement and professional background checks.
 17 If the response to these inquiries produces no cause for the
 18 department to withhold licensure, a temporary certificate may
 19 be issued."

20 Section 23. Section 61-30-21 NMSA 1978 (being Laws 1990,
 21 Chapter 75, Section 21, as amended) is amended to read:

22 "61-30-21. TEMPORARY PRACTICE. --

23 A. The board shall recognize, subject to the
 24 provisions of Subsection C of this section, on a temporary
 25 basis, the registration, certification or license of a real

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1 estate appraiser issued by another state if:

2 (1) the real estate appraiser's business is of
3 a temporary nature and certified by the real estate appraiser
4 not to exceed six months; and

5 (2) the real estate appraiser registers the
6 temporary practice with the board.

7 B. The applicant or any person registering with the
8 board for temporary practice shall file an irrevocable consent
9 that suits and actions may be commenced against him in the
10 proper court of any county of this state in which a cause of
11 action may arise from his actions as a state registered,
12 licensed or certified real estate appraiser or in which the
13 plaintiff may reside, by the service of any processes or
14 pleadings authorized by the laws of this state on the board,
15 the consent stipulating and agreeing that such service of
16 processes or pleadings on the board shall be taken and held in
17 all courts to be as valid and binding as if personal service
18 had been made upon the applicant in New Mexico. In case any
19 process or pleading mentioned in the case is served upon the
20 board, it shall be by duplicate copies, one of which shall be
21 filed in the office of the board and the other immediately
22 forwarded by registered mail to the nonresident state
23 registered, licensed or certified real estate appraiser to whom
24 the processes or pleadings are directed.

25 C. Initially, the temporary recognition of a

1 registration, certification or license of a real estate
 2 appraiser issued by another state or recognition of any person
 3 registering with the board for temporary practice shall be for
 4 a maximum of ninety days to allow for law enforcement and
 5 professional background checks. If the response to these
 6 inquiries produces no cause for the board to withhold
 7 licensure, the temporary recognition may be granted as provided
 8 in Subsection A of this section."

9 Section 24. Section 61-31-11 NMSA 1978 (being Laws 1989,
 10 Chapter 51, Section 11) is amended to read:

11 "61-31-11. PROVISIONAL LICENSURE. --

12 A. Subject to the provisions of Subsection B of
 13 this section, prior to examination, an applicant for licensure
 14 may obtain a provisional license to engage in social work
 15 practice as long as the applicant meets all the requirements,
 16 except examination, as prescribed in Section [10 of the Social
 17 Work Practice Act] 61-31-10 NMSA 1978 for the level of license
 18 sought. The provisional license is valid until the results of
 19 the first qualifying written examination are available.

20 B. Initially, the provisional license authorized in
 21 Subsection A of this section shall be issued for a maximum of
 22 ninety days to allow for law enforcement and professional
 23 background checks. If the response to these inquiries produces
 24 no cause for the board to withhold licensure, the provisional
 25 license may be issued."

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